

**ANNUAL REPORT**

**OF THE**

**FAIR HOUSING OF THE DAKOTAS**

**FOR THE 2006 FISCAL YEAR**

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# INTRODUCTION TO THIS REPORT

This Report of the Fair Housing of the Dakotas (formerly the North Dakota Fair Housing Council) addresses the major accomplishments in the 2006 fiscal year.

The Fair Housing of the Dakotas (FHD) is a non-profit, grassroots organization serving North and South Dakota with an office located in Bismarck, ND. The FHD began fighting housing discrimination in the State of North Dakota with its incorporation in 1995. In March, 2003, the FHD also began fighting housing discrimination in the South Dakota counties located east of the Missouri River, and beginning December, 2004, covered all of South Dakota. In June, 2005, the organization's name was changed from the "North Dakota Fair Housing Council" to the "Fair Housing of the Dakotas" to reflect its project area of both North and South Dakota. The FHD has three full time staff: Executive Director, Amy Schauer Nelson; Housing Coordinator, Stacy Gieser; and Office Manager, Carol Mihulka.

The proposed need for activities was to prevent, reduce, and eliminate housing discrimination in North and South Dakota. This was to be accomplished through intake; testing and investigation; victim counseling and assistance; complaint preparation; education and outreach to the public through workshops, publications, and quarterly newsletters; and community contacts with individuals, organizations, and housing providers.

Accomplishments within this Report are the result of funding through:

- Fair Housing Initiatives Program-Private Enforcement Initiative (FHIP-PEI) Grant through the US Department of Housing & Urban Development. This was a 12 month grant for the time period December 1, 2005-November 30, 2006 in the amount of \$188,539.
- Fair Housing Initiatives Program-Private Enforcement Initiative (FHIP-PEI) Grant through the US Department of Housing & Urban Development (HUD). This is a 12 month grant for the time period December 1, 2006-November 30, 2007 in the amount of \$214,769.
- City of Bismarck Community Development Block Grant (CDBG). This was a one year grant for the time period June 1, 2005-May 31, 2006 in the amount of \$5,000.

## FHD MISSION & GOALS

The mission of the Fair Housing of the Dakotas is to work to eliminate housing discrimination and to ensure equal housing opportunities for all. Its goals are to prevent, reduce and eliminate discriminatory practices in the rental, sale, and financing of housing transactions for members of all the protected classes as outlined in Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and amended in 1988, the North Dakota Housing Discrimination Act of 1999 and the South Dakota Human Relations Act of 1972. The Federal Fair Housing Act states it is illegal to discriminate in the rental, sale or financing of housing because of race, color, religion, national origin, gender (sex), familial status or disability (handicap).

The North Dakota Housing Discrimination Act protects the federal protections and also provides protection from discrimination due to age (40 and over) and status with respect to marriage or public assistance. North Dakota housing discrimination complaints must be filed with the North Dakota Department of Labor's Division of Human Rights (NDDOL), which was deemed substantially equivalent by HUD in 2001, and/or in state/federal court.

The South Dakota Human Relations Act provides protection for most of the federal protections and also provides protection from discrimination due to ancestry and creed. South Dakota housing discrimination complaints may be filed with HUD, the South Dakota Department of Labor's Division of Human Rights, the Sioux Falls Human Relations Commission (Sioux Falls

complaints only) and/or in state/federal court. However, none of these South Dakota agencies have been deemed substantially equivalent by HUD.

As a result of funding and substantial equivalency, most FHD enforcement activities occur under the Federal Fair Housing Act (for South Dakota enforcement) or the North Dakota Housing Discrimination Act (for North Dakota enforcement), although clients are informed of other filing options available in each state.

FHD activities break into two main program categories: (1) Enforcement and (2) Education and Outreach.

## ENFORCEMENT

Enforcement is a necessary process to eliminate housing discrimination. The FHD enforcement program involves the receipt of allegations of discrimination from the public, investigation of allegations of housing discrimination, recruitment and training of volunteers to uncover illegal acts of discrimination and assistance to the public in complaint filing and enforcement of fair housing rights. Below are several goals and their outcomes related to enforcement of violations of Fair Housing Laws which were established by the FHD for the 2006 fiscal year:

### **Allegations Filed by the Public**

*Goal: Intake and process allegations of housing discrimination in North Dakota.* Result: In 2006, the FHD received 1,882 calls, inquiries, and contacts. The FHD received or registered 125 allegations of housing discrimination from these calls, inquiries, and contacts. The majority of calls received (intakes) referenced landlord/tenant disputes of which there is no non-profit agency handling exclusively in North Dakota. (Currently, the FHD does not have funding for advocacy on landlord/tenant disputes.) A number of calls received also requested publications or general information on fair housing.

*Goal: Intake and process allegations of housing discrimination in South Dakota.* Result: In 2006, the FHD received 342 calls, inquiries and contacts. The majority of calls received (intakes) referenced landlord/tenant disputes of which there is no non-profit agency handling exclusively in South Dakota. (Currently, the FHD does not have funding for advocacy on landlord/tenant disputes.) The FHD began offering limited services in South Dakota in March, 2003 and later expanded to the entire state in December, 2004. Since we are so new to South Dakota, time is needed to outreach to potential victims of housing discrimination so they know of fair housing laws and the services available from the FHD. The FHD received or registered 77 allegations of housing discrimination from these calls, inquiries and contacts. As compared to North Dakota, these numbers may seem low, but they continue to increase substantially each year as South Dakotans become more informed about fair housing. The FHD saw a 38% increase in intakes and a 20% increase in allegations from 2005 to 2006 in South Dakota. This was a larger increase than from 2004 to 2005. Given how new fair housing is in South Dakota, much work by the FHD remains.

*Goal: Provide technical assistance through voluntary resolution of allegations of fair housing discrimination after an intake is completed but without complaint filing.* Result: In 2006, the FHD closed 5 investigative files in which complaint filing was averted due to the FHD's assistance. Of these 5 cases, 3 were from North Dakota and 2 were from South Dakota and mainly focused on reasonable accommodations for people with disabilities.

### **Investigation of Allegations**

*Goal: Conduct rental tests and mortgage/lending tests.* Result: In 2006, the FHD conducted 42 rental tests and 2 mortgage/lending tests in North Dakota and 26 rental tests and 2 mortgage/lending tests in South Dakota for a total of 68 rental tests and 4 mortgage/lending tests. All tests were based upon allegations filed with the FHD.

*Goal: Conduct additional investigative activity(ies) as appropriate.* Result: The FHD conducts additional investigation (in addition to testing) as needed. The FHD closed 123 investigative files, performed 125 property searches and interviewed 56 witnesses on cases closed in 2006. Additional forms of investigation are also conducted and several cases remain pending.

### **Assist in Complaint Filing and Enforcement of Fair Housing Rights**

*Goal: Refer complaints to HUD and/or substantially equivalent state or local government agencies.* Result: In 2006, the FHD filed or assisted clients in filing (referred) a total of 38 complaints with HUD and/or state agencies alleging discrimination against 50 protected classes. Of the 38 complaints filed or referred, 29 were against North Dakota housing providers and 9 were against South Dakota housing providers. The FHD also referred 68 additional clients to NDDOL or HUD and provided them with filing options in the past year and the client either chose not to pursue or we did not receive a response to our offer of assistance. The FHD also files cases as an organization when necessary. (See Attachment A for information on the major cases filed in 2006 and their status.) Of the cases closed in 2006 in which the FHD filed as an organization, 7 single family homes, 5 duplexes and 359 apartment units were opened from discrimination through organizational complaint filing and settlement. Of this total, 34 apartment units are also being retrofitted to be made accessible to people with disabilities which were not accessible as required under Fair Housing laws.

*Goal: Litigate fair housing complaints based upon complainant's choice.* Result: The FHD assists clients as appropriate in actions resulting from Cause Rulings and initiates litigation when necessary. Litigation is typically a last resort. In 2006, the FHD was involved in several fair housing cases within the court system. (See Attachment B for information on the cases litigated in 2006 and their status.)

### **Volunteer Activities**

*Goal: Recruit new testers to conduct all types of tests.* Result: In 2006, the FHD recruited 19 testers. The FHD also maintained a tester pool of approximately 30 volunteers across North and South Dakota. Volunteer testers are an effective way to uncover illegal acts of housing discrimination. Their use has been upheld by the United States Supreme Court and testing is an integral part of HUD fair housing grants. Testers are volunteers, not employees, and only receive a small stipend for their expenses related to the testing they perform.

*Goal: Train all testers, to include newly recruited testers.* Result: In 2006, the FHD trained 16 testers for rental testing. Some testers trained in 2006 were recruited in the previous year. Please note that not all testers recruited were trained as a result of the FHD qualifications for testing. The FHD requires testers complete an application to ensure there are no potential conflicts of interest. The FHD also requires completion of a criminal background check for volunteer testers.

## **EDUCATION AND OUTREACH**

Education is needed to reach potential victims so they can identify discrimination and to also educate housing providers so they do not unknowingly discriminate. Please note that HUD PEI grants limit education activities. A number of efforts were conducted by FHD staff in 2006 to educate the public on Fair Housing Laws. These efforts included direct mailings about fair housing rights, workshops and presentations on fair housing laws, distribution of publications, collaborative efforts with other organizations and maintenance of a web site. Unfortunately, not everyone wants to become educated on fair housing laws, which is why enforcement must

occur. Below are the FHD goals related to education and outreach and their outcomes.

### **Direct Mailings**

*Goal: Complete direct mailings providing information on the Fair Housing Act. Some mailings will target areas with underserved populations of less than 2,500 persons and/or areas with larger populations of race/ethnic minority groups.* Result: In 2006, the FHD conducted 10 mailings to underserved South Dakota communities reaching 3,408 households and 1 mailing to Bismarck, ND residents which reached 7,075 households. This mailing effort included a cover letter explaining the purpose of the project, a FHD brochure and a FHD free-of-charge publications list. The mailings went to rental units in buildings of four units or more and has proven to be an effective outreach tool to educate potential victims and housing providers on fair housing laws.

### **Conduct Workshops and Make Presentations**

*Goal: Conduct fair housing workshops.* Result: In 2006, the FHD conducted a total of 8 fair housing workshops which were attended by 686 attendees. Of this total, the FHD conducted 5 workshops in North Dakota which were attended by 369 service users, social service staff, attorneys and housing providers and conducted 3 workshops in South Dakota which were attended by 317 service users, social service staff, attorneys and housing providers. These workshops were open to the public, free of charge, located in various cities, and advertised in a variety of ways to ensure people were aware of the opportunity to attend.

*Goal: Participate, upon request, by speaking on fair housing issues to groups, organizations and/or conferences.* Result: In 2006, the FHD was asked to speak at a total of 15 workshops/trainings/conferences on fair housing which were attended by 408 attendees. To break these out by state, the FHD was asked to speak at 12 workshops/trainings/conferences in North Dakota which were attended by 291 service users, social service staff, attorneys and housing providers and 3 workshops/trainings/conferences in South Dakota which were attended by 117 service users, social service staff, attorneys and housing providers.

*Goal: Conduct an accessibility in new design/construction training with a target audience of architects, building inspectors and people with disabilities.* Result: Because of the number of South Dakota cases filed in recent years on the lack of accessibility, the FHD sponsored an Accessibility Training with the Paralyzed Veterans of America-North Central Chapter and the Western Resources for dis-ABLED Independence on August 29, 2006 in Rapid City, SD. There were 40 attendees at the training including 6 real estate agents, 7 inspectors/city officials and 7 architects/builders/engineers.

### **Distribute Publications**

*Goal: Distribute publications providing information on fair housing.* Result: In 2006, the FHD distributed 12,148 publications in North Dakota and 3,906 publications in South Dakota for a total of 16,054 publications. (Distribution was the result of requests made by individuals to the FHD. Publications distributed through outreach projects and at workshops/trainings are not counted in this total.) All publications are provided free of charge. Publications in alternative languages are extremely limited from HUD. As a result, the FHD has had materials translated at its cost into Spanish and Braille and collaborated with other groups to provide translated materials for New Americans in a variety of languages.

*Goal: Write and distribute newsletters.* Result: In 2006, the FHD produced and distributed 4 quarterly newsletters to update the public on fair housing. Currently, the FHD newsletter list includes 2,885 contacts in North Dakota and 1,534 contacts in South Dakota.

### **Collaborate Efforts to Advance Fair Housing**

*Goal: Collaborate efforts by attending meetings with other groups working to promote fair housing, civil rights laws, home ownerships and the elimination of predatory lending and discriminatory housing practices.* Result: The FHD staff was active members of several

organizations and attended 28 meetings with groups in an attempt to collaborate efforts to promote fair housing, civil rights laws, homeownership and the elimination of predatory lending and discriminatory housing practices.

*Goal: Collaborate efforts by participating on committees, task forces or coalitions to advance rental and home ownership opportunities for minorities and the disabled.* Result: The FHD staff attended or actively participated on at least 6 committees, task forces or coalitions to advance rental and homeownership opportunities for minorities and people with disabilities.

### **Provide Web Site and Respond to Press Inquiries**

*Goal: Host and update a web site on fair housing.* Result: In 2006, there were 75,228 hits and 33,267 visits to the FHD web site. The FHD web site is ever expanding. The web site contains newsletters, press releases and case updates, legislative session information, publications, volunteer opportunities, web links of interest and information on upcoming events. The FHD is constantly updating its web site and adding more information and publications on fair housing for consumer ease.

*Goal: Respond to press inquiries.* Result: In the past year, the FHD responded to press inquiries in North and South Dakota which resulted in 2 stories on fair housing being published in the *Fargo Forum*, 1 story in the *NDSU Spectrum* and 4 stories regarding a HUD Charge of Discrimination on a FHD South Dakota case (*Sioux Falls Argus Leader*, *Yankton Press & Dakotan*, *Vermillion Broadcaster* and *Sioux City Journal*).

## **SUMMARY**

Although FHD staff and financial resources are limited and we cover a large geographical area, we met all required grant goals and received "excellent" performance assessments in 2006. Much work remains, however. We continue to see discrimination most often occur in North and South Dakota to people with disabilities, families with children and due to race. Sexual harassment in rental housing by landlords also resulted in several cases being filed and/or litigated in 2006.

The FHD has seen improvement in the decreasing number of discriminatory advertisements published in newspapers and more knowledge of accessibility requirements in new construction in both North and South Dakota. However, we know there are large groups of people who remain unfamiliar with their rights and responsibilities under Fair Housing Laws, particularly in South Dakota. In 2007, the FHD will work to distribute more outreach mailings in South Dakota to help educate renters on their fair housing rights. We also hope to become more involved in predatory lending issues occurring in both North and South Dakota. Year 2007 also means active legislative sessions in both North and South Dakota which will require monitoring for issues affecting the constituents of the FHD service area.

FHD staff remain committed to eliminating housing discrimination and through a new HUD PEI grant, services will be available through at least November 30, 2007. We appreciate the support of our funding sources and continue to work to help each individual who contacts us.

# Attachment A

A summary of the major cases filed in the past year with the assistance of the Fair Housing of the Dakotas and their status follows. (Please note that in cases in which funds for settlement were provided to the Fair Housing of the Dakotas (FHD), the FHD was required under its HUD grant to reimburse the United States Treasury for any government funds used in the investigation and filing of the complaint.) More information on the cases which involved litigation, may be found in the press section of the FHD web site at [www.ndfhc.org](http://www.ndfhc.org)

## North Dakota

**Case No. ND06-07-233:** On January 6, 2006, the FHD filed a complaint alleging discrimination due to religion (non Christian), disability and national origin (Indian/Vietnamese) against a Mandan, ND housing provider who had distributed to tenants a holiday letter which contained references regarding the disability of a former tenant and comments about having to rent to “foreigners” from India and Vietnam. The letter also referenced the filing of a complaint of familial status discrimination by a then tenant which appeared retaliatory for filing a complaint. The FHD alleged that the letter also intimidated other tenants from enforcing their fair housing rights. Allegations of discrimination due to familial status in the applying of building rules was also alleged. Cause was found by the NDDOL in December, 2006 on the allegations of national origin, familial status and disability discrimination. Settlement was reached in January, 2007 with the Respondent agreeing to pay \$1,700 toward the FHD investigation and filing costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. ND06-07-234:** On January 6, 2006, the FHD filed a complaint alleging discrimination due to religion (non Christian), disability and national origin (Indian/Vietnamese) against a Mandan, ND housing provider who had distributed to tenants a holiday letter which contained references regarding the disability of a former tenant and comments about having to rent to “foreigners” from India and Vietnam. Cause was found by the NDDOL on the allegations of national origin and disability. A complaint was filed in state court by the North Dakota Attorney General’s Office in October, 2006. Settlement was reached in January, 2007 as part of the case above.

**Case No. ND06-07-235/236:** On January, 25, 2006, the FHD filed a complaint and assisted a Fargo resident in filing a complaint alleging discrimination due to disability in the denial of a reasonable accommodation for a service animal. The NDDOL ruled in June, 2006 that discrimination had not occurred because the resident did not meet the definition of disability under law.

**Case No. ND06-07-238/239:** On January 30, 2006, the FHD filed a complaint and assisted a Bismarck resident in filing a complaint alleging discrimination due to disability in the denial of a reasonable accommodation for a service animal. The FHD investigation had found evidence to support the allegations. Conciliation was reached in May, 2006 with the Respondent agreeing to a letter of apology and payment of \$525 to the complainant and reimbursement of \$325 of the FHD’s investigative costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. ND06-10-251:** On April 24, 2006, the FHD assisted a Fargo, ND resident in filing a complaint alleging discrimination in the denial of a reasonable accommodation for a disability. Conciliation was reached in June, 2006.

**Case No. ND06-10-252:** On April 26, 2006, the FHD filed a complaint alleging discrimination due to familial status against a Grand Forks, ND housing provider who had advertised “PERFECT for single” in a local newspaper. The FHD conducted an investigation which supported that families with children were being denied housing and filed a complaint. Conciliation was reached in June, 2006 with the Respondent agreeing to pay \$300 toward the

FHD investigation and filing costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. ND06-10-253:** On April 26, 2006, the FHD filed a complaint alleging discrimination due to familial status against a Grand Forks, ND housing provider who had advertised "OLDER RESIDENTS Required" in a local newspaper. The FHD conducted an investigation which supported that families with children were being denied housing and filed a complaint. Conciliation was reached in June, 2006 with the Respondent agreeing to pay \$750 toward the FHD investigation and filing costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. ND06-12-260/262/ND06-01-271:** In July and August, 2006, the FHD filed and assisted two individuals in filing gender discrimination complaints against a Fargo, ND housing provider. The complaints alleged the respondent sexually harassed female tenants through discriminatory comments and statements, unwanted touching and/or sexual propositions. The FHD investigation found other women who had been similarly treated. Pending.

**Case No. ND06-12-261:** On June 15, 2006, the FHD filed a complaint alleging discrimination due to receipt of public assistance against a Grand Forks, ND housing provider who had advertised "No HAP" in a local newspaper. The FHD conducted an investigation which found evidence that recipients of public assistance were being denied housing. Cause was found in February, 2007 by the NDDOL on the allegation of discriminatory advertising due to receipt of public assistance. A complaint was filed in state court by the North Dakota Attorney General's Office in March, 2007. Pending.

**Case No. ND06-01-263/264:** On July 3, 2006, the FHD filed and assisted a Grand Forks, ND resident in filing a complaint against a Grand Forks, ND housing provider. The complainant alleged that the housing provider was denying reasonable accommodations for service animals. The FHD conducted an investigation which found evidence of discrimination. Conciliation was reached in September, 2006 with the Respondent agreeing to pay the complainant \$2,000 in damages and reimbursement of \$1,250 of the FHD's investigative costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. ND06-01-270:** On July 20, 2006, the FHD filed a complaint alleging discrimination due to familial status against a Bismarck, ND housing provider who had advertised "single mature resident" in a local newspaper. A member of the public had also viewed the ad and contacted the FHD but chose not to file a complaint. The FHD conducted an investigation which supported that families with children were being denied housing and filed a complaint. Conciliation was reached in November, 2006 with the Respondent agreeing to reimburse the FHD \$150 of its investigative costs.

**Case No. ND06-02-275/276:** On August 28, 2006, the FHD filed a complaint and assisted a Bismarck, ND resident in filing a complaint alleging discrimination due to disability in the denial of a reasonable accommodation for a service animal. The FHD investigation had found evidence to support the allegations. Conciliation was reached in October, 2006 with the Respondent agreeing to a letter of apology and payment of \$1,100 to the complainant and reimbursement of \$850 of the FHD's investigative costs.

**Case No. ND06-04-289:** On October 12, 2006, the FHD assisted a Fargo, ND resident in filing a complaint against her housing provider because they were refusing a reasonable accommodation for her service animal. The complex was insisting upon a "pet" deposit for the service animal which has been determined by HUD-DOJ to be discrimination. Cause was found by the NDDOL in March, 2007. Pending.

**Case No. ND06-04-290:** On October 13, 2006, the FHD filed a complaint alleging discrimination due to race (Native American) by a Mandan, ND housing provider. The FHD had received an allegation of discrimination from a Mandan, ND resident who chose not to go forward with complaint filing. The FHD investigation found that Native American families were

subjected to harassment as a result of their race. Conciliation was reached in November, 2006 with the Respondent agreeing to attend fair housing training, post the fair housing poster, distribute fair housing booklets to tenants and publish a non-discrimination policy which included information on harassment.

**Case No. ND06-04-291:** On October 16, 2006, the FHD filed a complaint alleging discrimination due to race (Native American/African American), color (black), national origin (Hispanic) and gender (male) by a Grand Forks, ND housing provider. The FHD had received an allegation of discrimination from a Grand Forks, ND family who chose not to go forward with complaint filing. The FHD investigation found evidence of discriminatory comments/statements and harassment and a complaint was filed. Conciliation was reached in February, 2007.

### South Dakota

**Case No. 08-06-0171-8:** On April 26, 2006, the FHD filed a complaint alleging discrimination due to familial status against a Sturgis, SD housing provider who had advertised "suitable for single" in a local newspaper. The FHD conducted an investigation which supported that families with children were being denied housing and filed a complaint. Conciliation was reached in July, 2006 with the Respondent agreeing to pay \$500 toward the FHD investigation and filing costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. 08-06-0187-8:** On May 22, 2006, the FHD filed a complaint alleging discrimination due to familial status against a Mitchell, SD housing provider who had advertised "Retirement Townhouse" in a local newspaper. Case was dismissed by HUD in September, 2006 when HUD determined that the property was exempt from Fair Housing Laws.

**Case No. 08-06-0217-8:** On June 14, 2006, the FHD filed a complaint alleging discrimination due to race (Native American), national origin (Hispanic) and familial status against a Mitchell, SD housing provider. The FHD had received an allegation of discrimination from a Sioux Falls, SD resident who chose not to go forward with complaint filing. The FHD investigation found evidence that individuals of the indicated protected classes were either denied housing or steered to other property. Conciliation was reached in September, 2006 with the Respondent agreeing to pay \$700 toward the FHD investigation and filing costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. 08-06-0240-8:** On July 19, 2006, the FHD filed a complaint alleging discrimination due to familial status against a Mitchell, SD housing provider who had advertised per head charges for rent in a local newspaper. Conciliation was reached in October, 2006 with the agreement for the housing provider to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. 08-07-0006-8:** On October 12, 2006, the FHD filed a complaint alleging discrimination due to familial status and disability against a Rapid City, SD mobile home park. The FHD had received allegations from a Rapid City, SD resident that advertising indicated that families with children were to be charged more per child and that people with disabilities were being denied reasonable accommodations for service animals. Conciliation was reached in January, 2007 with the Respondent agreeing to attend fair housing training, post the fair housing poster, distribute fair housing booklets to tenants and publish a non-discrimination policy.

**Case No. 08-07-0007-8:** On October 13, 2006, the FHD filed a complaint alleging discrimination due to familial status against a Sioux Falls, SD housing provider who had advertised "mature tenants" in a local newspaper. The FHD conducted an investigation which found that families with children were being charged per head which has been shown in court to have a disparate impact upon families with children. Conciliation was reached in January, 2007 with the Respondent agreeing to attend fair housing training, post the fair housing poster, distribute fair housing booklets to tenants and publish a non-discrimination policy.

**Case No. 08-07-0032-8:** On November 14, 2006, the FHD assisted a Rapid City, SD family in filing a complaint alleging housing discrimination due to disability. The family had been attempting to purchase a lot and build an accessible home but was going to be required by the builder and/or real estate agent to put down over three times the normal escrow amount as a result of the required accessible features in the home. Pending.

## Attachment B

Below are the cases filed prior to 2006 but which were litigated in 2006 or remain in process of litigation. More information on the cases which involved litigation, may be found in the press section of the FHD web site at [www.ndfhc.org](http://www.ndfhc.org)

**Case No. ND03-12-111/09-04-C-02924:** Complaint filed on June 3, 2003 alleging sexual harassment of females by a West Fargo, ND housing provider. Cause was found by NDDOL and a complaint was filed in state court by the North Dakota Attorney General's Office in September, 2004. Trial was scheduled for November, 2006 but a settlement was finalized in December, 2006 with the Respondent agreeing to pay \$5,516.26 toward the FHD investigation and filing costs and \$33,081.46 in attorney's fees. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. ND05-06-230/ND05-06-231:** On December 5, 2005, complaints were filed by the FHD and a Fargo, ND family alleging discrimination in the denial of reasonable accommodations for people with disabilities who need service animals. Cause was found by NDDOL and a complaint was filed in state court by the North Dakota Attorney General's Office in May, 2006. Pending.

**Case No. ND01-05-043/ND001-05-044:** Complaint filed by the FHD against two Grand Forks, ND properties on November 26, 2001 alleging violation of new design/construction requirements. Cause was found by NDDOL and a complaint was filed in state court by the North Dakota Attorney General's Office in September, 2004. A settlement was reached in July, 2006 which included full retrofitting and reimbursement of a portion of the FHD legal fees.

**Case No. 08-05-0250-8:** On September 6, 2005, the FHD filed a complaint alleging discrimination due to familial status against a Vermillion, SD housing provider who had advertised "no minors or deadbeats" in a local newspaper. The FHD conducted an investigation which supported that families with children were being denied housing and filed a complaint. Cause was found by HUD in July, 2006 and following election by the FHD was referred to the US Department of Justice. Pending.